## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES	
PRACTICES AND PRODUCTS LIABILITY	
LITICATION	

MDL No. 1871 07-md-01871

THIS DOCUMENT APPLIES TO:

**ALL ACTIONS** 

**ORDER** 

AND NOW, this 13<sup>th</sup> day of December 2012, the Court hereby appoints Bruce Merentein, Esq., Special Master, to review the Motion of the Court-Appointed Avandia Fee Committee for Approval of Allocation of Common Benefit Fee [Doc. No. 2865] and all objections thereto. It is the Court's intention that within seven days of the date of this Order, the Master will consider the views of the parties and meet with them for purposes of mediation. The Master may recommend modifications to the briefing schedule previously set by the Court while mediation is ongoing. If the parties are unable to reach agreement, the Special Master shall provide the Court with a written Report and Recommendation forthwith. Each party will have ten days to object to the Report and Recommendation, and then the Court will promptly review the matter *de novo* and issue a ruling.

The Special Master shall be vested with the powers described and contemplated under Fed. R. Civ. P. 53(c), (d), and (e), including the right to: 1) review and analyze all motions, requests, objections, and supporting documents, including those filed under seal, which relate to this issue; 2) schedule, convene, and preside over meetings, conferences, or proceedings necessary to address disputes; 3) communicate with the Court or the parties *ex parte* at his

discretion; and 4) incur necessary expenses and costs at reasonable levels to permit him to function fully in pursuance of the assigned task.

The Special Master will be compensated for his services at a rate of \$475 per hour, and for all costs related to his duties, from the Plaintiffs' Common Benefit Fund, after notice to the parties and subject to Court approval.

It is so **ORDERED**.

BY THE COURT:

ÝNTHIA M. RUFE, J.